

INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
 RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY
 V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Philadelphia

FILE NUMBER: CENAP-OP-R-200301835

REGULATORY PROJECT MANAGER: James N. Boyer Date: May 5, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: _____
 At the project site Y (Y/N) Date: January 7, 2004

PROJECT LOCATION INFORMATION:

State: Delaware

County: New Castle

Center coordinates of site by latitude & longitudinal coordinates: 39° 46' 04" / 75° 36' 57"

Approximate size of site/property (including uplands & in acres): 98

Name of waterway or watershed: Little Falls Creek/Little Mill Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	0.01								
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?		X			
Is or would be used as habitat by other migratory birds that cross state lines?		X			
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ Or Approved X .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

1. With the exception of the non-jurisdictional stream channel and the waters/wetlands described below, the remainder of the 98-acre property consists of school buildings, roads, parking lots, playing fields, landscaped areas and upland forest. The non-jurisdictional feature is an ephemeral drainage channel, emanating from a storm-water pipe, flowing down a steep hill-side. It is approximately 150 feet long, and about 2 feet wide on average (less than 0.01 acre). The channel is located entirely within the subject property.
2. At the base of the slope, the channel loses definition, and any water in the channel would move by sheet flow or soak into the ground. Therefore, it has no normal surface tributary connection to other waters.
3. The stream is not a wetland; it is not navigable in fact; and it has no obvious nexus to interstate commerce.
4. Approximately 2-3 acres of wetlands and associated stream channels are present in various portions of the site. These are regulated by the Corps pursuant to 33 CFR 328.3(a)(5) and (a)(7).